

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

TOOR PETROLEUM, INC.,	:	Case No. 1:11-cv-461
Plaintiff,	:	
v.	:	Judge Timothy S. Black
MARATHON PETROLEUM CO. LP,	:	
Defendant / Counterclaimant	:	
	:	
and	:	
	:	
TOOR PETROLEUM , INC.,	:	
Plaintiff,	:	
v.	:	
GURNAM KOONER,	:	
Third-Party Defendant.	:	

**ORDER THAT THIS CASE IS DISMISSED WITHOUT PREJUDICE
FOR LACK OF FEDERAL SUBJECT-MATTER JURISDICTION**

Plaintiff Toor Petroleum, Inc. brought this suit in July 2011 against Defendant Marathon Petroleum Company LP, alleging Marathon violated the Petroleum Marketing Practices Act, 15 U.S.C. § 2801, *et seq.* Toor invoked subject-matter jurisdiction of this Court on the basis of a federal question. (*See* Doc. 1 at 1-2). Defendant Marathon subsequently brought a counterclaim alleging a breach of contract under state law. (Doc. 12 at 1-4, 23). Toor then brought a third-party complaint against Gurnam Kooner for breach of contract under state law, and Kooner counterclaimed for breach of contract against Toor. (Doc. 14 at 12-13, Doc. 28 at 2-6).

On November 7, 2011, the parties filed a Stipulation of Dismissal with Prejudice of Toor's claims against Marathon. (Doc. 30).¹ As a result, the only claims now pending in this Court are claims under state law.

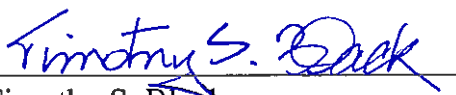
¹ Because the stipulation was signed by all parties, it is effective without a Court order. *See* Fed. R. Civ. P. 41(a)(1)(ii).

This Court has original jurisdiction only over those claims presenting a federal question or diversity of citizenship. *See* 28 U.S.C. §§1331-1332. While Plaintiff's original claim presented a federal question, that claim has been voluntarily dismissed. No party has asserted federal jurisdiction based on diversity of citizenship.

Therefore, the Court finds that it lacks subject-matter jurisdiction over this dispute, and all remaining claims are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

Date: 11/25/11



Timothy S. Black
United States District Judge